

CHAPTER 13 HARBOR AND BRIDGES

TABLE

13-01	Harbor defined
13-02	Kinnickinnic river
13-03	Dock and wharf lines
13-04	Draw and swing bridges
13-05	Stationary or fixed bridges
13-06	Construction of bridges, council approval
13-07	Bridge construction, bids, plans
13-08	Damage to bridges, penalty
13-09	Special charter provisions precluding erecting of bridges repealed
13-10	Board of harbor commissioners; powers, duties
13-11	Harbor master

13-01. Harbor Defined. The harbor of Milwaukee shall include the Milwaukee river from Lake Michigan to the dam across said river in said city, and all those portions of the Kinnickinnic river and of the Menomonee river, and the canals, water channels and slips laid out and established in the valley of said Menomonee river under and in pursuance of chapter ninety-one of the local laws of 1869, which are within the limits of the city of Milwaukee, and also Lake Michigan to a distance of one mile from the shore along the east front of said city; and said rivers, and said canals, water channels and slips are hereby declared to be public highways and navigable from Lake Michigan to said dam and to the western and southern limits of said city. (S. 1, Subch. 9, Ch. 184, L. 1874.)

13-02. Kinnickinnic River. Whenever the survey and plat of the Kinnickinnic river describing the channel and dock lines of said river shall be made, adopted and established, recorded and filed, as provided by section twenty of chapter one hundred and twenty-nine of the laws of 1873, the water channel of said river as described and represented by such survey and plat shall be deemed to be and is hereby declared to be a public navigable river, subject to all laws and regulations applicable to it as such. (S. 2, Subch. 9, Ch. 184, L. 1874.)

13-03. Dock and Wharf Lines. The common council of said city shall have power, by ordinance, to establish dock and wharf lines upon the banks of the Milwaukee, Menomonee and Kinnickinnic rivers, and the public canals in said city wherever the same are not established by statute; to restrain and prevent encroachments upon said rivers and canals, and obstructions thereto; and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, docks or wharves along the banks of said rivers and canals, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said rivers and canals respectively. (S. 3, Subch. 9, Ch. 184, L. 1874.)

13-04. Draw and Swing Bridges. Draw, swing, or movable bridges, with openings sufficient for the passage of vessels, shall be maintained and supported at the expense of the city, at the following places in said city, to-wit:

1. ACROSS THE MILWAUKEE RIVER: a. From North Water Street, in the 3rd Ward, to South Ferry Street, in the 5th Ward;
b. From North Broadway, in the 3rd Ward, to East Pittsburgh Avenue, in the 5th Ward;
2. ACROSS THE MENOMONEE RIVER AND CANALS: a. From North Plankinton Avenue, in the 4th Ward, to South 2nd Street, in the 5th Ward;
b. On North and South 6th Street, in the 4th and 5th Wards;
c. On North Muskego Avenue, in the 4th and 5th Wards. (S. 1, Ch. 126, L. 1945.)

13-05. Stationary or Fixed Bridges. Stationary or fixed bridges shall also be maintained at the expense of the city, across the Milwaukee river, on North Humboldt Avenue, in the 1st and 6th Wards; and on East North Avenue in the 1st, 6th, 13th and 18th Wards; and across the Kinnickinnic river, at the intersection of South 1st Street and West Lincoln Avenue. (S. 1, Ch. 126, L. 1945.)

13-06 Harbor And Bridges

13-06. Construction of Bridges; Council Approval. The common council may construct swinging or movable, or stationary or fixed, bridges across any of the rivers or canals in the city, in addition to those mentioned and provided for in ss. 13-04 and 13-05, and to alter, change, reconstruct or remodel any bridges in the city not specifically designated in this chapter as draw, swing or movable bridges to stationary or fixed bridges, or as stationary or fixed bridges to draw, swing or movable bridges, whenever in its judgment public convenience may require. Draw, swing or movable bridges shall be so constructed, altered, changed, reconstructed or remodeled as not unnecessarily to impede the navigation of the river or canal over which they may be constructed, altered, changed, reconstructed or remodeled so as not unnecessarily to impede tug and barge navigation of the river or canal. The act, resolution or ordinance for the construction of any such bridge shall require for its passage or adoption a vote of 2/3 of the members of the common council at the time of the vote, and shall have no force or validity without such vote.

(HISTORY: Section 13.06, S. 1, Ch. 126, L. 1945. 13.06 am. Ch. Ord. 564, File #86-802, Feb. 3, 1987; eff. Apr. 20, 1987.)

13-07. Bridge Construction, Bids, Plans. 1. Whenever the common council shall by ordinance or resolution order the construction of any bridge, the commissioner of public works may: a. Advertise for plans, with bids thereon, allowing each and every contractor to present his or her own plan and bid.

b. Prepare or procure plans and advertise for bids thereon.

c. Select the bid and plans as seem to be the best for the interest of the city.

d. Report the same together with all other plans and bids for the bridge to the council with the reasons for the choice.

2. The council may approve the selection and order contracts to be entered into accordingly, or may disapprove of the same, and by a vote of 2/3 of the members of the common council at the time of the vote in favor thereof, may select any other of the plans and bids so reported, and direct the commissioner of public works to enter into contract on the same.

3. No contract shall be entered into under this section without the authority of the council expressed by ordinance or resolution.

(HISTORY: Section 13.07, S. 9, Subch. 9, Ch. 184, L. 1874. 13.07 am. Ch. Ord. 564, File #86-802, Feb. 3, 1987; eff. Apr. 20, 1987.)

13-08. Damage to Bridges, Penalty. The general laws for the preservation of bridges, and the punishment by such laws provided for willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whomsoever; and the common council may from time to time make such bylaws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage being done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against under the law to provide for the collection of demands against boats and vessels. *(S. 10, Subch. 9, Ch. 184, L. 1874.)*

13-09. Special Charter Provisions Precluding Erecting of Bridges Repealed. All those parts of special city charters heretofore passed prohibiting any city from erecting bridges over waters in whole or in part in this state are hereby repealed. *(Ch. 285, L. 1893; S. 926-4, Wis. Stats. 1919.)*

13-10. Board of Harbor Commissioners; Powers; Duties. The board of harbor commissioners shall have power to fix and regulate the tolls, dockage, wharfage, craneage, shedage, storage rates and rental or other charges which it shall deem necessary to make for the use of all publicly-owned docks, wharves, warehouses, piers, slips, basins and other harbor and airport facilities and railway tracks and belt railways. Said board may also, with the approval of the common council, lease, either for exclusive or common use, such particular parcel or parcels of harbor lands or harbor facilities as it may deem expedient to any party or parties for any purpose or use, requiring, involving or connected with the

construction, maintenance, operation or use of any harbor facilities. Within 10 days following the approval by the board of any change in any tolls, dockage, wharfage, craneage, shedage, storage, rates and rental or other charges, the board shall cause to be filed with the city clerk a certified copy of such changes. Copies of the schedule of such fees and charges shall be made available by the board to interested persons upon request. (S. 1, Ch. Ord. 257, Feb. 2, 1960.)

13-11. Harbor Master. 1. APPOINTMENT; POWERS. The board of harbor commissioners shall fill any vacancy in the existing position of harbor master and appoint any additional harbor masters which may be authorized by the common council, but all such appointments shall be in accordance with the provisions of ss. 63.18 to 63.53, Wis. Stats., as now in force or hereafter amended, and rules of the board of city service commissioners. The duties of any harbor master shall be those heretofore or hereafter prescribed by the common council by ordinance or resolution, and such additional duties, not in conflict with those prescribed by the common council, as shall be prescribed by the board of harbor commissioners from time to time.

2. TERM IN OFFICE. The compensation of any harbor master shall be fixed by the common council by ordinance. The term of service and tenure of any harbor master shall be as provided in ss. 63.18 to 63.53, Wis. Stats., and the said rules of the board of city service commissioners, and any harbor master shall be subject to removal, suspension, demotion or other disciplinary action by the board of harbor commissioners as provided in such statutes and rules.

3. POWER OF COMMON COUNCIL AND BOARD. a. The common council shall have power to enact ordinances to preserve the harbor and the peace and good order therein and on all property under the control of said harbor board; to prevent any use of said harbor or harbor property, or any act in relation thereto, inconsistent or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead

animals, ashes, or other substance of filth, logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, of passing the bridges, and of coming to and departing from the wharves, docks, and streets of such city by vessels or water craft of any kind whatsoever; to regulate through a harbormaster or other authorized official the location of any vessel or water craft whatsoever, and such changes of station in, and use of, the harbor as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all vessels and water craft whatsoever; and to impose penalties for any violation of such ordinances.

b. The board of harbor commissioners shall have control over the construction and repair of docks abutting private property and publicly owned docks and shall have control and jurisdiction over public lands abutting on public waterways, but said board shall have no jurisdiction over the construction, maintenance and repair of public bridges, not connecting with the north or south harbor tracts.

c. Hereafter no dock line shall be established by the common council until the proposed line shall have been submitted to and approved by said board.

d. It shall not be mandatory upon the city to follow s. 30.04, Wis. Stats., during the existence and continuance of the board.

4. OTHER REPAIRS. This section shall not be construed in any manner to alter or interfere with the powers and duties of the commissioner of public works with respect to bridges and their appurtenances, sewers, or under water cable crossings or vehicular or other tunnels in the inner harbor, which have been or may be placed under his jurisdiction. (S. 3 thru 8, Ch. Ord. 112, File #70-405, Dec. 2, 1940.)

13-- Harbor And Bridges

[This page blank]